United Nations A/63/283

General Assembly

Distr.: General
13 August 2008

Original: English

**Sixty-third session**
Item 132 of the provisional agenda*
**Administration of justice at the United Nations**

# Activities of the Ombudsman

## Report of the Secretary-General**

*Summary*

The General Assembly, in its resolution 59/283, entitled "Administration of justice at the United Nations", having stressed the importance of the Office of the Ombudsman as the primary means of informal dispute resolution, requested the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends, and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

The present report covers the operations of the Office of the Ombudsman for the period from 1 August 2007 to 31 July 2008.

* A/63/150 and Corr.1.
** The submission of the report has been timed to coincide with the end of the reporting period

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# I. Introduction

1. This is the fourth report of the Secretary-General to the General Assembly on the activities of the United Nations Ombudsman (the three previous reports are contained in A/60/376, A/61/524 and A/62/311). In paragraph 22 of its resolution 59/283, the Assembly requested the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends, and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

2. The present report covers the operations of the Office during the period from 1 August 2007 to 31 July 2008 and provides an overview of transitional measures currently being developed with respect to the establishment of a single integrated and decentralized office, as mandated by the General Assembly in its resolution 62/228. The report also makes observations on systemic issues, based on the cases dealt with by the Office of the Ombudsman during the reporting period.

3. The Ombudsman reports regularly to the Secretary-General on the activities of the Office and raises relevant issues with management and staff, when deemed appropriate, to facilitate conflict resolution and make recommendations for changes in policies and practices.

# II. Operations of the Office

## A. General principles

4. While the existing terms of reference of the Office are currently being revised to incorporate the new functions of the Office, including its expanded mandate to serve all staff of the United Nations Secretariat, funds and programmes (see resolution 62/228), it is anticipated that the core guiding principles of the Office will remain as set out below:

(a) *Working principles.* The Ombudsman is independent of all United Nations organs and officials. The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his or her attention. The Ombudsman does not keep records for the United Nations or any other party and does not disclose information about individual cases or visits from staff members. The Ombudsman cannot be compelled by any United Nations official to testify about concerns that are brought to his or her attention. The Ombudsman does not have decision-making powers, but advises and makes suggestions or recommendations, as appropriate, on actions needed to settle conflicts, taking into account the rights and obligations existing between the Organization and the staff member, and the equity of the situation;

(b) *Reporting line and access to the Secretary-General.* The Ombudsman has direct access to the Secretary-General, as needed, for the performance of his or her functions, reports regularly to the Secretary-General on his or her activities and can comment on policies, procedures and practices that have come to his or her attention;

(c) *Access to records*. The Ombudsman has access to all records concerning staff, except medical records;

(d) *Access to the Ombudsman*. All staff members have voluntary access to the Ombudsman. No person who brings a matter to his or her attention shall be subject to reprisals because of such action. The Ombudsman does not review cases that are already in the formal process.

### B. Appointment of a new Ombudsman

5. The newly appointed United Nations Ombudsman, Johnston Barkat of the United States of America, began his five-year term on 21 April 2008. An expert in mediation and conflict resolution, with an emphasis on organizational and cross-cultural negotiation, Mr. Barkat had previously worked with the United Nations as a negotiations instructor, a consultant on ombudsman programmes and an adviser on reforms to the system of administration of justice. For the past 11 years, he has served as the Ombudsman at Pace University, New York. He has also taught conflict resolution and mediation at the International Center for Cooperation and Conflict Resolution at Columbia University, New York, and has served as an instructor of management at various other colleges and graduate schools in the United States.

6. The first United Nations Ombudsman was M. Patricia Durrant, who served one non-renewable term of five years, which expired on 14 July 2007. Nora Galer headed the Office of the Ombudsman as Officer-in-Charge from 15 July 2007 to 20 April 2008.

7. In an effort to attract the widest possible pool of candidates for assessment and selection, the Secretary-General wrote to Member States and relevant professional associations soliciting nominations for the position of United Nations Ombudsman. A broadcast was also posted on the United Nations Intranet encouraging interested staff to apply for the position.

8. In selecting the new Ombudsman, the Secretary-General followed the recommendations put forward by the Redesign Panel on the United Nations system of administration of justice, which were subsequently approved by the General Assembly in paragraph 29 of its resolution 62/228; a selection committee consisting of staff and management representatives as well as outside ombudsmen was established. The Committee was tasked with the review of all applications received by the Office of the Secretary-General, the establishment of a shortlist of candidates to be interviewed and the formulation of recommendations to the Secretary-General for consideration.

## III. Outreach

9. The Office continued its outreach programme during the reporting period, with a special focus on raising awareness about the restructuring of the Office and the appointment of the new Ombudsman. The Office placed emphasis on liaising with other ombudsman organizations, such as the Ombudsmen and Mediators of the United Nations system and related international organizations and the International Ombudsman Association. Exchanges with those Organizations have enabled the

Office not only to explore others' best practices but also to promote the role of the United Nations Ombudsman externally.

## A. Internal outreach

10. In its communications with the constituency at large, the Office has taken a multifaceted approach aimed at responding appropriately to the diverse needs of the various audiences inside the Organization.

11. Efforts are made to ensure that all incoming staff are informed about the existence and the role of the Office of the Ombudsman. The Office participated in all induction courses held by the Staff Development Service of the Office for Human Resources Management and in other training courses, as invited. To complement oral presentations, printed information kits about the Office were distributed on those occasions.

12. In addition, jointly with the Integrated Training Service of the Department of Peacekeeping Operations, the Office started to explore ways to more precisely target information about the role of the Ombudsman to peacekeeping personnel and to incorporate it into the induction programmes for incoming personnel that are held regularly at the United Nations Logistics Base in Brindisi, Italy.

13. Throughout their employment with the United Nations, staff have easy access to information about the Office of the Ombudsman in electronic or printed form, as described below, as well as through personal contact with representatives of the Office of the Ombudsman. At regular intervals, representatives of the Office meet with various groups of staff to reinforce awareness of the functions of the Office and of the services that are available, while emphasizing the advantages of the informal dispute-resolution process. In addition to the special efforts made to stress the zero-barrier policy of the Ombudsman, the Office highlights the fact that its role is not limited solely to helping staff resolve conflicts but also includes empowering staff to deal with conflicts effectively throughout their United Nations career. The Office has started to develop a comprehensive plan that includes the publication of relevant articles, for instance on iSeek, the internal communications forum of the United Nations, and its new website, so as to further increase the competence of staff in dealing with conflict.

14. Recognizing the importance of stakeholders in the communications process, the Ombudsman and his staff continuously seek to engage in dialogue with the various constituencies in the Organization. This includes frequent exchanges with staff representatives and management aimed at raising awareness of the role of the Ombudsman. For example, the Ombudsman participated in fruitful exchanges with management and staff at key meetings and briefed participants on the activities of the Office. Such activities have included participation in the twenty-ninth session of the Staff-Management Coordination Committee (23 June 2008), the Senior Leadership Induction Programme of the Department of Peacekeeping Operations (23 July 2008), the Managers' Forum held by the Department of Management (23 July 2008), as well as the meeting of field staff representatives in Brindisi (8 July 2008) and the seventh meeting of chiefs of human resources at offices away from Headquarters (23 May 2008).

## B. External outreach

15. Continued cooperation with other professional ombudsman organizations during the reporting period enabled the Office to share experiences with fellow practitioners and to draw on their best practices. The main forums for such exchanges are the annual conferences of the Ombudsmen and Mediators of the United Nations system and related international organizations and the International Ombudsman Association, which are attended by representatives of the Office.

16. The seventh conference of the Ombudsmen and Mediators of the United Nations system and related international organizations, held from 16 to 19 July in Washington, D.C., was hosted by the Ombudsman of the International Monetary Fund and attended by the Ombudsmen and Mediators of the World Bank, the Inter-American Development Bank, the African Development Bank, the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the Pan American Health Organization, the International Trade Centre (United Nations Conference on Trade and Development/World Trade Organization), the World Health Organization, the International Labour Organization and the World Food Programme. At the conference, the Ombudsman made a presentation on the newly integrated, decentralized and unified Office of the United Nations Ombudsman. The Ombudsmen and Mediators of United Nations-related organizations indicated that there was a need for regular updates on the development of and challenges faced by the Office of the Ombudsman. Further presentations and discussions focused on the harmonization of reporting categories, staff-management relations, the promotion of the Ombudsman function, the conflict-resolution systems of other organizations, and the role of the Ombudsman in change management and succession planning.

17. Representatives of the Office also attended the annual conference of the International Ombudsman Association, entitled "Making a difference: the Ombudsman impact", held in Boston, from 13 to 16 April 2008. The conference proved to be a useful forum for promoting the integrated Office and for seeking exchanges with fellow Ombudsmen from the corporate and non-profit sectors so as to discuss practices and common standards and procedures related to ombudsman work and mediation, in particular the design of effective conflict-resolution systems in a complex organizational environment. Other subjects discussed included the concept of conflict coaching, ombudsman accountability, assessment of and response to imminent risk in ombudsman work, conflict-resolution challenges in multicultural contexts, and measuring and using client feedback.

## C. Printed and electronic information materials

18. The Office continued to use its established printed and electronic communications tools to accomplish its outreach objectives. Brochures, leaflets and conflict-management cards in English and French were frequently circulated to offices away from Headquarters and field missions. The website of the Office of the Ombudsman remained the gateway to information for users of the Office. It was continuously updated with relevant information, such as the annual report and information, in all six United Nations languages, about the appointment of the new Ombudsman. Furthermore, the contents of the Office's information kit designed for

distribution to visitors and at training courses was reviewed and updated. Presentation material was revised to reflect the integration and decentralization of the Office, in an effort to better cater to its expanded and diversified constituency. A balanced mix of printed and electronic information material has proved over the years to be instrumental in ensuring that United Nations staff, regardless of their location, know of the Office of the Ombudsman and how to access the services it provides.

19. With a view to the establishment of the integrated Office on 1 January 2008, the Office, early on in the reporting period launched a comprehensive assessment of its outreach material and of its overall communications strategy to see how it could best be adapted to the changing needs of the Office. Subsequently, it was concluded that, building on best practices, the expanded constituency of the integrated Office would be best served by a single communications strategy, including a revised set of communication tools.

## D. Field visits

20. During the reporting period, representatives of the United Nations Office of the Ombudsman visited the United Nations Offices at Vienna and Geneva, as well as the peacekeeping missions in Côte d'Ivoire, Timor-Leste and the United Nations Logistics Base in Italy. Such field visits constitute an essential element of the Office's outreach programme and serve a threefold purpose: (a) to receive first-hand information on recurring issues on the ground and to discuss them with senior management; (b) to raise awareness about the function of the Office of the Ombudsman among all staff; and (c) to receive individual clients in person. The physical presence of members of the Office at duty stations away from Headquarters continues to be an effective instrument in the implementation of the zero-barrier policy of the Office and helps to resolve conflicts efficiently.

## E. Training

21. Ongoing efforts are being made to train and upgrade the skills of all staff, including in terms of hands-on participation in mediation activities. Staff continue to be trained in both basic and advanced ombudsman skills, while priority has been given to additional training that will equip them to handle the new types of issues and services that will arise from the expanded mandate of the Office, which will now encompass the staff of the funds and programmes and include the new Mediation Division.

22. Most of the staff of the Office have attended courses and are trained in employment law mediation to support the new Mediation Division and to act as a pool of readily available resources to be deployed to the regional branches if and when mediation services are required in those regions as part of the services of the regional branches.

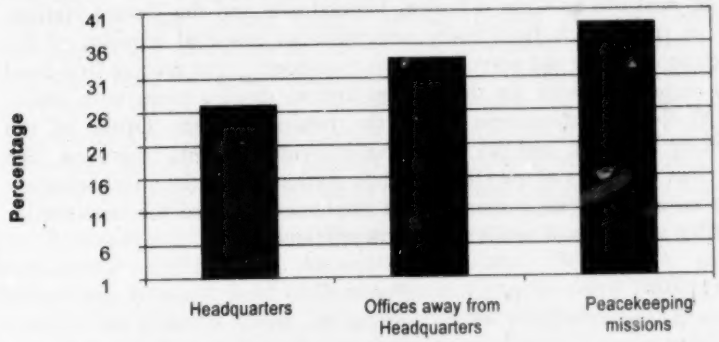
# IV. Statistical information on cases and issues and analysis of data

## A. General information

23. During the reporting period, from 1 August 2007 to 31 July 2008, 670 new cases were opened. An average of nearly 56 new cases were opened each month. This figure shows that informal resolution is increasingly becoming a recognized tool for conflict resolution in the Organization. During the reporting period, pending the appointment of the new Ombudsman, full ombudsman and mediation services continued to be provided by the Office. During the period under review, men initiating cases outnumbered women 52 per cent to 47 per cent, while group cases constituted the remaining 1 per cent.

## B. Data analysis

Figure I
**Geographical distribution of cases**
**(1 August 2007-31 July 2008)**



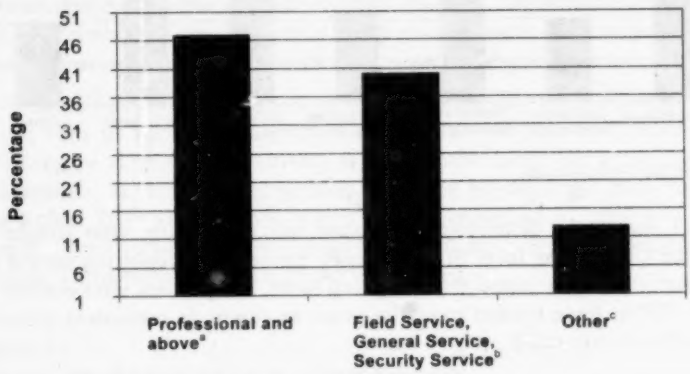

*Source*: Office of the Ombudsman.

24. Figure I shows the geographical distribution of cases during the reporting period. It indicates the percentages of cases coming from each of the three main locations (United Nations Headquarters, offices away from Headquarters and peacekeeping missions). Cases from Headquarters represent only 27 per cent of the whole, while almost three fourths of those who contacted the Office were located outside New York. Cases from offices away from Headquarters accounted for 34 per cent of the total number of cases, and cases from peacekeeping missions 39 per cent.

25. Looking at the current geographical distribution of cases and the estimated population of staff members, it can be seen that certain locations are overrepresented. Headquarters generates 27 per cent of cases, although it represents only 19 per cent of the total population of 34,500 staff members (see A/62/294, table 1). Similarly, a third of the cases come from offices away from Headquarters, which constitute only 27 per cent of the total population. On the other hand, peacekeeping missions are underrepresented, with 39 per cent of cases coming from 54 per cent of the total population. As the new regional branches will provide

greater access to ombudsman and mediation services, an increase in the percentage of visitors located outside New York is expected once those regional Ombudsmen are fully deployed.

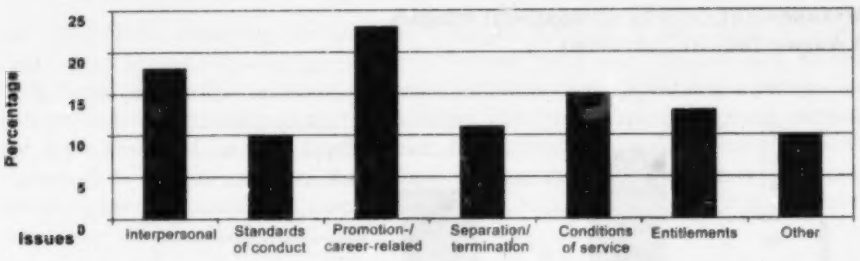
Figure II
**Breakdown of cases by occupational category**
**(1 August 2007-31 July 2008)**




*Source*: Office of the Ombudsman.
[a] Includes Professional and project staff, Director and above.
[b] Includes Field Service, General Service, Security Service and Trades and Crafts.
[c] Includes national staff, retirees, former staff, interns, consultants and contractors.

26. The breakdown of cases presented in figure II shows that approximately 47 per cent of cases opened during the reporting period were initiated by staff members from the occupational category "Professional and above". This category represents only 30 per cent of the total constituency (approximately 10,000 staff of approximately 34,500 United Nations staff members served by the Office). The second-largest group, which comprises the Field Service, General Service and related categories, accounted for 40 per cent of the cases. That is more or less in line with its percentage of the overall population (approximately 12,000 staff members, or 35 per cent). The third category, "Other", constituted 13 per cent of the cases. This category includes national staff, who initiated approximately 6 per cent of the cases brought to the attention of the Ombudsman; they constitute a group of approximately 12,000 persons, amounting to almost 35 per cent of the total population. Over the years, since inception, coverage of that category has been a concern for the Ombudsman. Some improvement has been achieved through intensive outreach efforts and extensive travel to field locations. The deployment of Ombudsmen in two major peacekeeping missions will further enhance such outreach efforts.

Figure III
**Breakdown of cases by issue**
**(1 August 2007-31 July 2008)**




*Source*: Office of the Ombudsman.

27. Figure III shows the distribution of issues raised by those who sought the assistance of the Office. The level of consistency between the reporting period and the previous period must be highlighted. By and large, the persons who contact the Ombudsman's Office have tended over the years to report at consistent rates the various types of problems cited.

28. The first and most important type of issue raised by staff is promotion-/or career-related. Over the past six years, this category has consistently remained the most important, amounting to approximately 23 per cent of the total number of cases. This category includes issues related to the performance appraisal system and its impact on the careers of staff members.

29. This category also includes issues related to mobility and career development. Such cases often involve individuals who feel that their careers have plateaued and that their prospects of upward mobility are few. Some are not seeking promotion, but want to move to posts where the work is more fulfilling. The most recent report on the activities of the Ombudsman addresses systemic issues related to the staff selection system and mobility (A/62/311, paras. 41-45).

30. The category of interpersonal issues includes conflicts among colleagues and with supervisors. Such issues represent 18 per cent of the total number raised during the reporting period. The proportion of cases involving these types of issues has been relatively stable over the years. Such issues include allegations of lack of respect, threats or intimidation, lack of communication or consultation with staff, and an office environment seen as adverse or that undermines productivity. In some of the cases, an intervention (facilitated mediation, the coaching of one or all parties) by the Office of the Ombudsman has had an immediate impact on the situation.

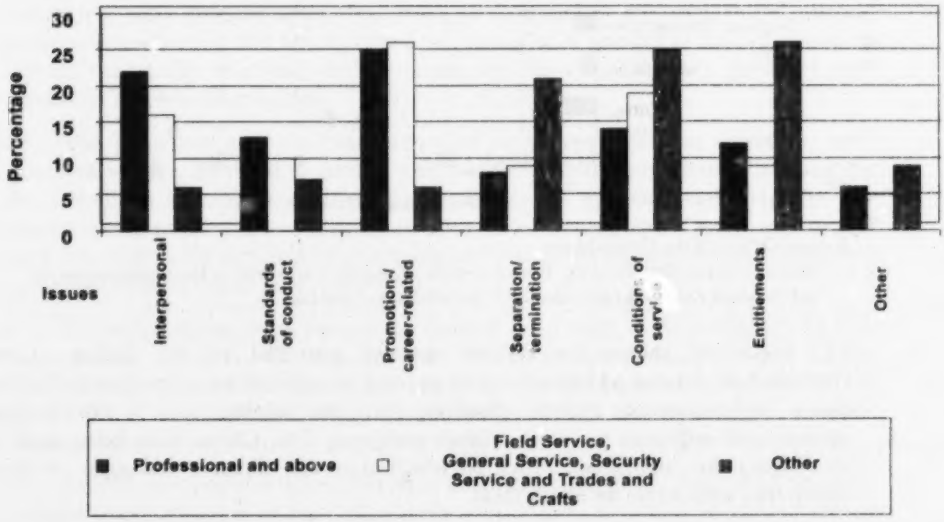
31. The conditions of service category covers a large variety of issues and situations. It includes work/life issues, issues related to selection and appointment, including salary or level at entry, change of contract, mission assignment and reassignment. During the reporting period, this category accounted for 15 per cent of the total number of cases. Pragmatic solutions and simple follow-up steps often help to resolve these kinds of cases, which deeply affect staff morale.

32. The separation and termination category includes cases involving staff from missions being downsized or whose contracts are not being renewed. It also concerns staff members whose posts have been abolished or who have remained on temporary contracts for extended periods. During the reporting period, this category constituted approximately 11 per cent of the cases. In such cases, the Ombudsman will work closely with the relevant Offices to try to identify possible solutions or explore alternative placements, as appropriate.

33. The entitlements category includes mostly cases involving administrative error or oversight in the administration of staff benefits. The trend so far has been towards a slight decrease in the number of cases falling under this category over the years, but it still accounts for 13 per cent of the total number of cases.

34. Cases related to violations of the standards of conduct remain significant, at 10 per cent of the total number of cases. They include staff reporting situations involving perceived discrimination or harassment, including sexual harassment, by a colleague or supervisor, and seeking guidance on the applicable Staff Regulations and Rules. They also include a significant percentage of staff who are subject to formal investigations or disciplinary procedures and seek guidance on how to manage a situation they often do not understand.

Figure IV
**Breakdown of issues by occupational category**
**(1 August 2007-31 July 2008)**



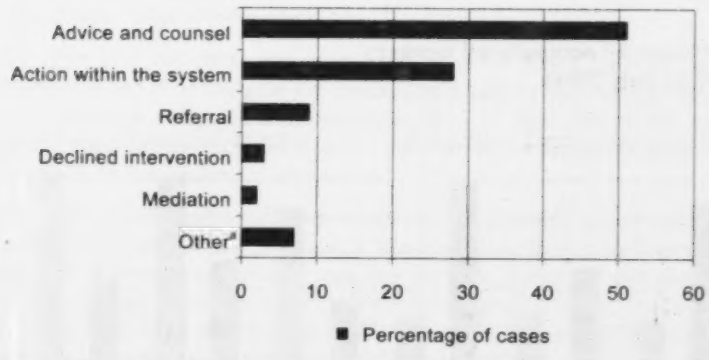

*Source*: Office of the Ombudsman.

35. Figure IV shows a breakdown of issues by occupational category. It indicates that the two main categories of staff members, Professional and above on the one hand, and General Service, Field Service and Security Service on the other, face similar issues. Promotion- and career-related issues, as well as interpersonal issues,

are prevalent among these categories, for the reasons mentioned in paragraphs 27 to 29. While visitors belonging to the "Other" category (including national staff, retirees, former staff, interns, consultants and contractors) have proportionally more issues related to entitlements, conditions of service, and separation and termination, national staff and United Nations Volunteers located in peacekeeping missions have relatively more issues related to conditions of service and entitlements than other visitors. The entitlements and benefits for internationally and locally recruited staff members differ significantly, resulting in frequent complaints.

36. Former staff members tend, naturally, to raise issues related to separation and termination. However, these issues are also of concern to consultants and individual contractors who contact the Ombudsman's office following the expiration of their contracts. They often inquire about the arbitration clause contained in their contracts.

Figure V
**Type of service provided**
**(1 August 2007-31 July 2008)**




*Source*: Office of the Ombudsman.

[a] Includes cases already in the formal system of justice, cases sent to the Ombudsman for information only and cases that staff decided not to pursue.

37. Figure V shows the various services provided by the Office of the Ombudsman. Advice and employment counsel are offered in more than half of the cases. Such assistance includes coaching staff and helping them to explore their options and solutions to work-related problems. The Office also helps staff in identifying the appropriate office to which they can direct a complaint or from which they can obtain an entitlement.

38. Direct action by the Ombudsman within the system to resolve a problem brought to the attention of the Office is undertaken in 28 per cent of the cases. Contact with a third party is made only with the authorization of the staff member concerned. After an analysis of the situation and contact with all parties concerned, the Office makes recommendations to address the issues. Staff members are referred to other offices in 9 per cent of the cases, while direct mediation is used in approximately 2 per cent of the cases. The category "Other" (7 per cent of cases)

includes cases that were already in the formal system when the Office was contacted or cases involving staff who decide not to pursue the matter. The Ombudsman declined to intervene in 3 per cent of the cases, which were not suited to informal conflict resolution or could not be referred to another office.

# V. Systemic issues

39. True to its role as a catalyst for change, the Office has since its inception attached great importance to its function of defining systemic malfunctions in the Organization and, in accordance with paragraph 3.11 of its terms of reference, making recommendations for changes in policies and practices to address such malfunctions.

40. In its previous reports (A/60/376, A/61/524 and A/62/311), the Office had identified issues arising from the concerns that were brought to its attention during the reporting periods. It highlighted, inter alia, the need to protect against retaliation individuals who disclose evidence of wrongdoing, to thoroughly implement the zero-tolerance policy against discrimination, to clarify the respective roles of offices in the conflict-resolution system and to improve training for managers. It also called upon the Organization to further disseminate and raise awareness among staff about the conduct required of them as international civil servants and to consistently enforce penalties for non-compliance.

41. Previous reports called upon managers to be fully engaged in the electronic appraisal system in order to enhance its effectiveness as a tool for monitoring and improving staff performance. The need to harmonize the various contractual arrangements used by the Organization, including with respect to the conditions of service for locally recruited staff members and for internationally recruited staff members, was also highlighted.

42. The perceived lack of transparency of and other concerns about the staff selection system, the need to further improve the mobility programme in order for its objectives to be accomplished, the need to enhance staff welfare for peacekeeping personnel and the identified need to better support staff and former staff who have been exposed to psychological trauma during service were reiterated in the most recent report (see A/62/311).

43. Following up on these issues, the General Assembly, in its resolution 62/228, requested the Secretary-General to report on the specific measures taken by the Administration to address the issues raised by the Ombudsman in section IV of A/62/311, on the activities of the Ombudsman, which highlighted the systemic issues that had been identified during the first five years of the Office's operations.

44. Additional systemic issues that have been identified in the context of the cases brought to the attention of the Office during the current reporting period are set out below.

## Recruitment processes

45. During the reporting period, a perception remained among staff members that recruitment is not always carried out fairly. Indeed, by far the largest percentage of

cases addressed to the Office relate to promotion and career development, with a large proportion of those involving complaints about irregularities in the selection process.

46. In such cases, human resources staff can review the recruitment exercise in question to ensure that there has been full compliance with the applicable recruitment procedures. While staff members can appeal selection decisions through the regular channels for administrative review, the process is a lengthy one and will ordinarily not serve to halt the contended selection. The absence of a quick and effective mechanism for the enforcement of compliance with the spirit and rules of the staff selection system can lead to frustration on the part of staff.

47. While internal candidates are considered on the basis of, inter alia, their existing level or grade, external candidates do not have the same limitations and can apply for a post at any grade if they fulfil the technical requirements. As a result of this disparity in treatment, external candidates can be recruited for higher-level positions than their internal counterparts, who may sometimes be more qualified.

## G-to-P examination

48. General Service staff continue to raise concerns about the restrictive eligibility conditions for taking the G-to-P examination. To be eligible to take the G-to-P examination, General Service staff members are required to have served in the Organization for five years in a regular post before they can qualify to sit for the examination. G-to-P eligibility requirements therefore exclude the significant number of General Service staff who hold temporary positions.

## Delays in processing staff requests

49. Delays in the processing of administrative requests from field personnel continue to cause significant frustration on the part of staff. Such delays are most evident in the processing of entry-level requests, applications for special post allowance and movement to a higher level. While it is hoped that the recent delegation of authority from the Office of Human Resources Management to the Field Personnel Division to review requests for movement to a higher level may alleviate some of the delays in this area, further consideration may also be given to expanding the dedicated capacity for handling these functions.

## Staff recruited through the national competitive examination

50. The national competitive examination is a recruitment tool for the selection, through competitive examination, of highly qualified young professionals from countries that are underrepresented at the United Nations. Recruitment of junior professionals from that roster is frequently perceived as an exceedingly lengthy process. The waiting time on the roster varies from a few months to several years. During that time, the flow of information from the Organization to candidates is very limited, making career and life planning difficult. Once in the Organization, many of those recruits feel that a limited number of opportunities are offered them in the context of mobility under the managed reassignment programme and the

voluntary reassignment programme. Candidates recruited through the national competitive examination have repeatedly asked that regular P-2 posts be advertised internally. Many of them have also reported difficulties in moving from the P-2 to the P-3 level and have complained that their careers have stagnated at the mid-management level (P-3 or P-4). Thus, many feel that the Organization, after having invested much into their initial recruitment, neglects to make full use of their talents and enthusiasm for the United Nations.

51. The Office of Human Resources Management has started to address some of these issues by launching a mentoring programme and offering networking opportunities.

### Harassment complaints

52. Allegations of harassment, including sexual harassment and abuse of authority, remain a concern. Many of the staff members who approach the Office still feel that there is inadequate support in place in the Organization to meet the needs of victims of harassment, and many fear retaliation if they bring complaints. As a result, many choose not to bring complaints through the formal process. With numerous field staff on six-month contracts, many victims fear that their contracts will not be renewed if they choose to come forward with this kind of complaint. The issuance of the Secretary-General's bulletin on the prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5) addresses that concern. However, investigation processes are still insufficiently defined and time-consuming and must be further streamlined. Steps should also be taken to ensure a prompt-response capacity with regard to complaints of sexual harassment.

## VI. Transition to the new system of justice

### A. New legislative elements

53. By its resolution 59/283, the General Assembly requested the Secretary-General to establish a panel of external and independent experts to review and reshape the United Nations informal justice system. The report produced by the Redesign Panel in July 2006 (A/61/205) contained far-reaching recommendations on key processes and structures within the formal and informal justice systems. The General Assembly, by its resolutions 61/261 and 62/228, established the basic framework of the new redesigned system of administration of justice at the United Nations, building on the recommendations made by the Redesign Panel. One of the key components of the overhaul was the strengthening of the capacity and reach of the Office of the United Nations Ombudsman through the creation of (a) a single, integrated and geographically decentralized Ombudsman structure that serves the Secretariat, funds and programmes; (b) a Mediation Division to provide formal mediation services; and (c) regional offices. The new configuration, which functions under the general guidance and authority of the United Nations Ombudsman, became effective on 1 January 2008.

**Integration**

54. As mandated by the General Assembly in paragraph 25 of its resolution 62/228, the Ombudsman offices concerned, namely, the Office of the United Nations Ombudsman, the Office of the Joint Ombudsperson (United Nations Development Programme (UNDP)/United Nations Population Fund (UNFPA)/United Nations Children's Fund (UNICEF)/United Nations Office for Project Services (UNOPS) and the Office of the Mediator of the Office of the United Nations High Commissioner for Refugees (UNHCR)), have intensified their internal efforts of coordination and cooperation with a view to enhancing the complementarity of their roles and services.

**Creation of regional branches**

55. In accordance with paragraph 26 of General Assembly resolution 62/228, regional offices are in the process of being established in Bangkok, Geneva, Nairobi, Santiago and Vienna. Each office will be headed by a Regional Ombudsman (P-5), who will be supported by an Administrative Assistant. Regional offices have also been approved by the Assembly in the peacekeeping missions in the Democratic Republic of the Congo and the Sudan, each with one Regional Ombudsman (P-5), a Case Officer (P-3) and an Administrative Assistant.

**Mediation Division**

56. As outlined in the report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.7 and Corr.1, para. 21) and endorsed by the General Assembly in paragraph 30 of its resolution 62/228, a Mediation Division will be established within the Office of the Ombudsman in New York to provide formal and informal mediation services to United Nations and related personnel upon referral by the Office of the Ombudsman or by order of the United Nations Dispute Tribunal.

**Nomination and selection of the Ombudsman**

57. In accordance with the new appointment process approved by the General Assembly (resolution 62/228, para. 29), the United Nations Ombudsman is appointed by the Secretary-General on the recommendation of a selection committee consisting of staff and management representatives, each nominated by their respective groups, as well as outside ombudsmen. The selection committee, which is set up by the Office of the Secretary-General, is expected to vet applications, establish a shortlist of candidates, participate in the interview process and make recommendations to the Secretary-General for consideration.

## B. Progress under the road map for the implementation of the new system

58. The various entities constituting the integrated Office of the Ombudsman have intensified their efforts to harmonize standards and working methods, identify common interests, build synergies and work towards the development of common systems and policies for the integrated Office. A joint task force consisting of representatives from each entity has been meeting regularly since the early part of

2008 to discuss every aspect of the integration process and to agree on the way forward.

**Common premises**

59. The identification of common office space that would bring together staff from the Office of the United Nations Ombudsman and the Office of the Joint Ombudsperson (UNDP/UNFPA/UNICEF/UNOPS), as well as of appropriate facilities for the Mediation Division, are among the key considerations at Headquarters. The Office of the Ombudsman is working closely with officials of the capital master plan team to achieve this critical step in the integration phase, both in the short and the longer term. Of equal importance is the identification of adequate facilities overseas for the regional branches. Given the neutral, informal and independent nature of the Office, specific requirements need to be met. Efforts are under way to identify the best available options in all new locations.

**Staffing**

60. Following extensive consultations within the integrated Office led by the United Nations Ombudsman, generic job descriptions for the post of Regional Ombudsman and other positions in the regional branches were finalized and submitted for classification. Vacancy announcements were subsequently processed and approved for all the professional positions within those Offices. It is expected that the selection and recruitment processes will be completed by the end of 2008. In the interim period, serious consideration is being given to the deployment of experts from within and outside the Office, in an effort to help lay the groundwork for the establishment of those offices. Staff at the General Service category will be recruited locally once the regional ombudsmen have been selected and deployed to their respective areas.

**Harmonization of operating procedures**

61. Current efforts by the joint task force are also geared towards the harmonization of standards of practice, data-collection methodology and reporting mechanisms in accordance with professional standards. Since its inception, the Office of the United Nations Ombudsman has collaborated with the network of Ombudsmen and Mediators of the United Nations system and related international organizations on the development of common standards of practice for the establishment and operation of Ombudsman offices.

62. The definition of a common strategy and a shared identity are at the heart of ongoing efforts to build the foundations of the integrated Office. In that context, the Office of the Ombudsman intends to hold a retreat early in September 2008 in an effort to create synergy between team members and develop a common vision of the future. Furthermore, the Office intends to monitor the impact, and initiate periodic reviews, of all measures introduced in the integration phase for continuous quality control.

**Data-collection methodology**

63. The merger between the various Ombudsman Offices has necessitated a thorough review of the intake forms used by each Office for data collection for the purpose of developing joint reporting categories and common database systems.

Each Office had thus far used a different database to record case information for reporting purposes, utilizing, to varying degrees, the database reporting categories elaborated by the International Ombudsman Association as a standardized model. The integrated Office has developed a joint intake form that builds on the experience garnered by each entity in collecting data and that draws on the expertise of the network of Ombudsmen and Mediators of the United Nations system and related international organizations and other relevant professional associations. It is envisaged that the new data-collection methodology will allow for analysis and comparison of trends and statistics between the participating Offices as well as with other Ombudsman offices in the common system and beyond.

64. Reliance by the integrated office on shared databases and common data-collection tools will also help to identify systemic issues, cross-cutting areas and trends relating to the various constituencies in the Organization and will form an intricate part of the first joint report targeted to be issued by the integrated Office in 2009.

## C. Terms of reference for the United Nations Ombudsman

65. The terms of reference of the United Nations Ombudsman, as set out in Secretary-General's bulletin ST/SGB/2002/12 of 15 October 2002, were the subject of consultations within the Staff-Management Coordination Committee during its twenty-fifth session, held from 4 to 12 October 2001.

66. In paragraph 32 (c) of its resolution 61/261, the General Assembly requested the Secretary-General to provide revised terms of reference for the Office of the Ombudsman, as appropriate, taking into account the changes mandated by the Assembly in the context of the new system of administration of justice. The Office of the Ombudsman is currently in the process of revising its terms of reference to incorporate the new elements of the reform mandated by the Assembly. These include the establishment of a single, integrated and decentralized Office of the Ombudsman that serves the Secretariat, funds and programmes; the creation of a Mediation Division to provide formal mediation services; and the establishment of regional branches overseas.

67. The review is being conducted with the help of an outside consultant, who, with input from an expert advisory board, will lay the groundwork for the development of a revised text to ensure compliance with international standards. In addition to the new elements approved by the General Assembly, the revised text will reflect the full range of ombudsman services provided by the integrated Office, both in New York and overseas. In the context of the review, the terms of reference of the Joint Ombudsperson UNDP/UNFPA/UNICEF/UNOPS and of the UNHCR Mediator will be taken into account in order to ensure harmony and consistency in the services provided by the integrated Office.

68. The revised terms of reference will be the subject of consultations within the integrated Office and with all stakeholders prior to being finalized through the promulgation of a new Secretary-General's bulletin. It is anticipated that the revised terms of reference will be submitted to the General Assembly at its resumed session in the spring of 2009.

## D. Mediation Division

69. The creation of a Mediation Division is a critical element of the efforts of the General Assembly to strengthen the informal system. As envisaged by the Redesign Panel and approved by the Assembly, the Mediation Division will provide formal mediation services for the Secretariat, funds and programmes on cases referred to it by the Office of the Ombudsman or by order of the United Nations Dispute Tribunal. In addition, it will complement the informal mediation services currently being provided by the Office of the Ombudsman.

70. As approved by the General Assembly in the context of the programme budget for the biennium 2008-2009, the Mediation Division will consist of a Director of the Mediation Division (D-1), two Senior Mediators (P-5) and one Administrative Assistant. In addition, the Division will establish and maintain a list of on-call international professional mediators who would provide specialized mediation services as needed. The Division will be located in New York and will function under the authority of the United Nations Ombudsman.

71. The Mediation Division will work on cases referred to it by the Ombudsman. It will further conduct formal mediation pursuant to an order by the United Nations Dispute Tribunal. As a neutral third party, it will assist interested staff and related personnel in resolving workplace disputes by seeking to reach mutually agreeable settlements. It is expected that this will be accomplished by helping the parties identify and understand the issues, and their interests and options and by generating solutions to which both or all parties agree. Draft agreements outlining the understandings reached between the parties would be drafted as appropriate.

72. Efforts are under way to initiate the requisite administrative procedures in order to classify and advertise the planned positions. Guidelines and operating procedures are also being developed with input from an outside expert to ensure compliance with professional standards. Those guidelines will be promulgated in an administrative instruction that will also outline rules of procedure and time frames.

## E. Single communications strategy

73. The Office acknowledges that an effective, well-thought-out communications strategy will be instrumental in communicating the new scope of the system of administration of justice to United Nations employees worldwide so that they can fully benefit from the strengthened informal system of conflict resolution. The unified and decentralized Office now has a larger and more diverse target audience (Secretariat, funds and programmes), requiring a new and concerted approach to reach out to them. To that effect, the Office has started to assess previous communications strategies to build on best practices when formulating a new, single approach to building awareness about the Ombudsman function among its expanded constituency.

74. As a first step, and in cooperation with the Department of Public Information, the Office has started to develop a new website that will serve as a gateway to information for staff of the Secretariat and of the funds and programmes. This new website will be available in all six United Nations languages and comply with the accessibility guidelines as required by the General Assembly.

75. In parallel, a new assortment of printed and electronic information material (brochures, posters and folders, inter alia) is being developed, with consideration being given to the needs of the seven new regional branches and the Mediation Division. In addition, plans are being made for dedicated communication measures to accompany the official launch of the regional branches.

76. To complement the activities noted above, the Office also plans a greater focus on interactive communication, including face-to-face events, to be able to better respond to the needs of United Nations staff. All of the aforementioned information and communications materials are to have a new visual identity so as to illustrate the new nature of the Office.

## F. Budget and staffing

77. The General Assembly, in the budget for the biennium 2006-2007, approved the continuation of the three existing positions for the Office of the Ombudsman (1 Assistant Secretary-General, 1 D-1, 1 P-4) and the establishment of four new positions (1 P-5, 1 P-3 and 2 General Service) (see annex I). Under the support account for peacekeeping operations, posts for a Case Officer (P-4) and one General Service staff member were approved for 2004-2005 and have been renewed in successive years.

78. In the budget for the biennium 2008-2009, the General Assembly approved the continuation of the existing positions for the Office of the Ombudsman, as outlined above. The posts made available to the Office under the support account for peacekeeping operations (1 P-4 and 1 General Service) have been approved through 31 December 2008. The following positions were also approved for the new integrated Office: (a) five Regional Ombudsman positions (P-5) in Santiago, Nairobi, Geneva, Bangkok and Vienna, each supported by one General Service staff member; (b) two Regional Ombudsman positions (P-5) in the peacekeeping missions in the Democratic Republic of the Congo and the Sudan, each supported by a Case Officer (P-3) and a General Service staff member; and (c) for the Mediation Division, one Director of the Mediation Division position (D-1), two Senior Mediators (P-5) and one Administrative Assistant (General Service). One of the P-5 posts of Mediator is to be provided through the redeployment of the existing P-5 post in the Office of the Ombudsman.

79. The Office of the Joint Ombudsperson UNDP/UNFPA/UNICEF/UNOPS has a dedicated team of ombudspersons and Professional and General Service staff. The Office further relies on consultant ombudspersons and maintains specific budget lines for this purpose. The Office of the UNHCR Mediator also has a dedicated team of Professional and General Service staff.

80. It should be noted that the Office of the United Nations Ombudsman, the Office of the Joint Ombudsperson UNDP/UNFPA/UNICEF/UNOPS and the UNHCR Office of the Mediator continue to have separate budget and staffing arrangements. Different modalities of cost-sharing arrangements are currently being explored to maximize the impact of regional outposts. The staffing and budget needs of the integrated Office will be assessed periodically in order for the necessary adjustments and proposal to be reflected in future budget submissions.

## G. Future reporting

81. The integrated Office intends to issue a joint report in 2009 that will provide an overview of the first year of the integrated Office's operations, including general statistical information as well as systemic and cross-cutting issues brought to the attention of the Office. The report will also draw upon the expertise acquired by the three entities in developing their individual reports in an effort to share best practices while at the same time preserving the individual characteristics of each participating organization. The three entities currently have different reporting cycles and submit their annual reports to different governing bodies. Various scenarios are currently being explored to produce the first joint report in time for submission to the relevant governing bodies.

# VII. Future directions

**Consistency and coherence in the expanded set-up**

82. One of the priorities of the Office during the past year has been to put in place mechanisms for the functioning of the new integrated Office of the Ombudsman for the Secretariat, funds and programmes, as mandated by the General Assembly. Specific efforts under the common road map are described in section VI.B above. Following the adoption of resolution 62/228, including additional resources for the biennium, efforts have focused on the establishment of new regional branches and the Mediation Division within the integrated Office. Substantial attention will need to be directed at ensuring consistency in practices and principles within this expanded system and to continue to guarantee the same level of coherence and excellence across the internal system. Priority must be accorded to internal mechanisms aimed at ensuring that the basic principles of confidentiality, neutrality and independence are fully and coherently respected; strict evaluation and monitoring mechanisms will be included in a comprehensive evaluation plan for the next five-year period.

**Clarification of roles in the informal system of justice**

83. The Secretary-General issued the latest information circular on conflict resolution in the United Nations Secretariat on 23 January 2004 (ST/IC/2004/4). Since that date, the institutional landscape in that area has evolved substantially. New offices have been created, such as the Ethics Office. There is a lack of clarity and even a degree of overlap in some mandates and practices, which creates confusion and burdens the system. Greater efforts will be made to better clarify for all staff the available options and the operating principles. It is recommended that an information circular be issued immediately to explain to staff the roles of the various offices and map out the process for bringing complaints to each of the offices following the completion of the restructuring of the administration of justice system, which will introduce additional new offices to the formal justice system. This will need to be done in the context of a concerted effort with the other key parts of the system.

**Mediation**

84. A key component of the new justice system is the creation of a Mediation Division within the Office of the Ombudsman. In addition to the informal and confidential mediation services already available, the judges of the newly established Dispute Tribunal will have the opportunity to refer the parties to mandated mediation in the Office of the Ombudsman. The establishment of this new Division will be one of the focuses of the Office in 2009. Tasks will include selecting and staffing the new mechanism, establishing a roster of mediators with the relevant backgrounds and languages for all duty stations, devising relevant operating procedures, and communicating the availability of the Division's services and its modus operandi to all staff of the Secretariat and of the funds and programmes.

**Set bases for a participatory process involving all stakeholders in the identification of systemic issues**

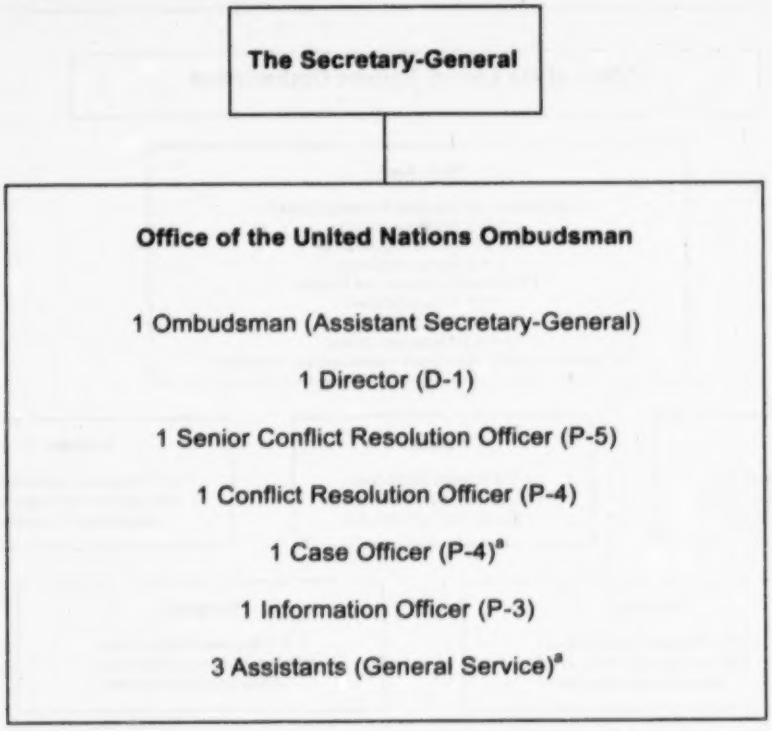
85. The identification of systemic issues and the reporting thereof to the Secretary-General is an integral part of the Ombudsman's mandate. This has been included as a crucial part of the yearly reports submitted to the General Assembly by the Secretary-General on the activities of the Ombudsman. Additional efforts will now focus on ensuring the participation of key stakeholders in the identification of such systemic issues and trends. Mechanisms will be devised to allow for the views of the staff at large from the various duty stations, visitors to the Office, managers and all other stakeholders to be reflected. A permanent dialogue will be established, mainly through electronic means, to ensure broad participation and buy-in in the context of the identification of the key systemic constraints that need to be addressed collectively.

**Monitoring of confidentiality**

86. One of the key operating principles of the Office of the Ombudsman is respect for the full confidentiality of the interaction between the visitor and the Office and of the identity of the visitor. The systems in place will be reviewed so as to determine the necessity of establishing further checks and balances and perhaps further ensuring that the system is monitored regularly. This will become particularly crucial as seven regional branches are established and the need for vigilance increases exponentially.

# Annex I

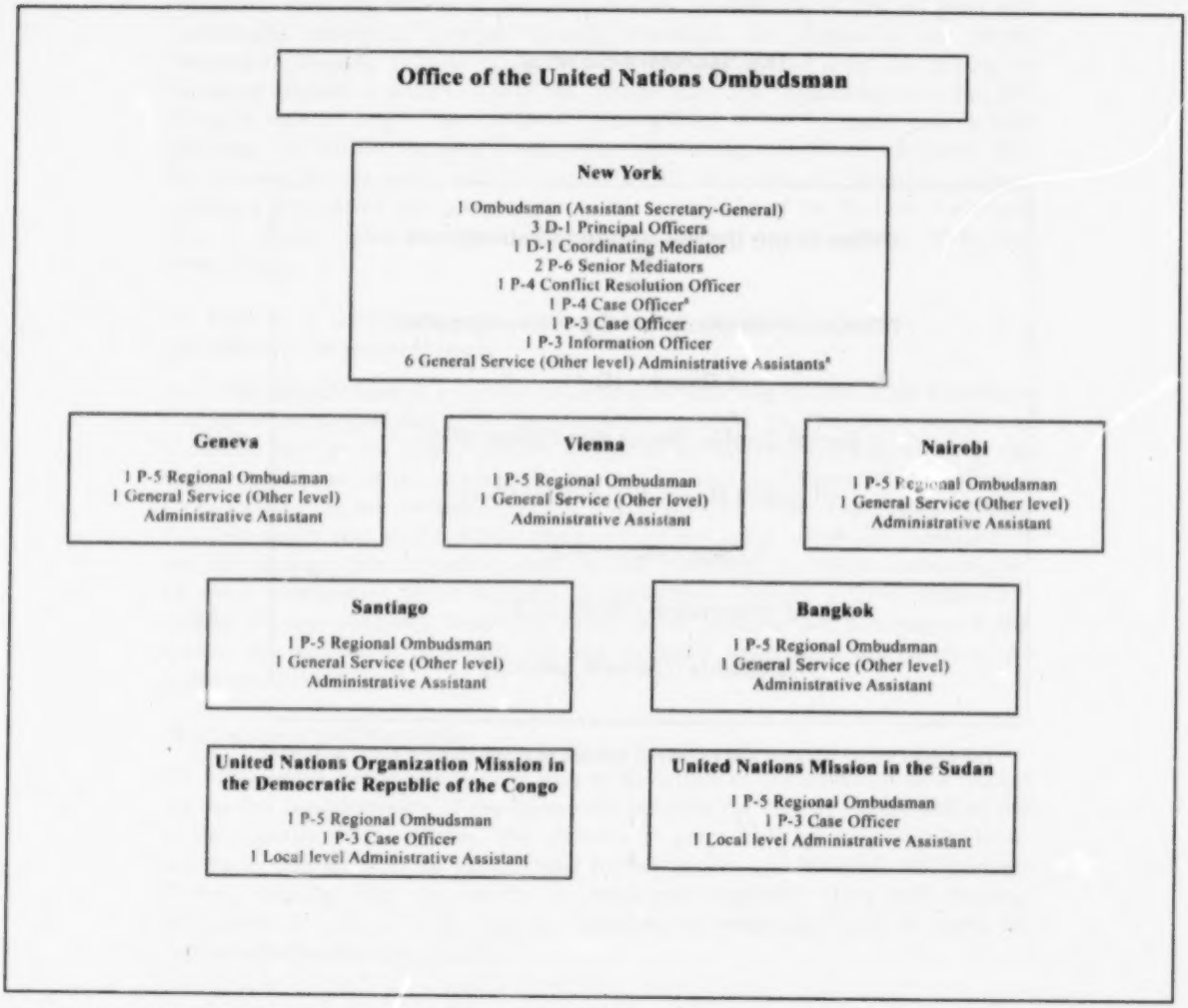
## Organization chart until 31 December 2007


The Secretary-General
Office of the United Nations Ombudsman
1 Ombudsman (Assistant Secretary-General)
1 Director (D-1)
1 Senior Conflict Resolution Officer (P-5)
1 Conflict Resolution Officer (P-4)
1 Case Officer (P-4)[a]
1 Information Officer (P-3)
3 Assistants (General Service)[a]

[a] The Case Officer position and a General Service post are Support Account-funded.

# Annex II

## Organization chart as from 1 January 2008


Office of the United Nations Ombudsman
New York
1 Ombudsman (Assistant Secretary-General)
3 D-1 Principal Officers
1 D-1 Coordinating Mediator
2 P-6 Senior Mediators
1 P-4 Conflict Resolution Officer
1 P-4 Case Officer[a]
1 P-3 Case Officer
1 P-3 Information Officer
6 General Service (Other level) Administrative Assistants[a]
Geneva
1 P-5 Regional Ombudsman
1 General Service (Other level) Administrative Assistant
Vienna
1 P-5 Regional Ombudsman
1 General Service (Other level) Administrative Assistant
Nairobi
1 P-5 Regional Ombudsman
1 General Service (Other level) Administrative Assistant
Santiago
1 P-5 Regional Ombudsman
1 General Service (Other level) Administrative Assistant
Bangkok
1 P-5 Regional Ombudsman
1 General Service (Other level) Administrative Assistant
United Nations Organization Mission in the Democratic Republic of the Congo
1 P-5 Regional Ombudsman
1 P-3 Case Officer
1 Local level Administrative Assistant
United Nations Mission in the Sudan
1 P-5 Regional Ombudsman
1 P-3 Case Officer
1 Local level Administrative Assistant

[a] 1 P-4 Case Officer and 1 General Service staff member are funded under the Support Account until 31 December 2008.